

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL GINDI,

Plaintiff,

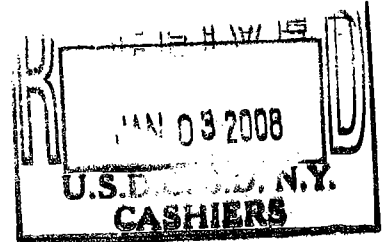
- against -

MALLOW KONSTAM & HAGER, P.C.,

Defendants.

JUDGE SCHEINDLIN  
08 CV 00287

COMPLAINT



Plaintiff, by his attorneys Heller, Horowitz & Feit, P.C., complaining of defendant, alleges:

1. Jurisdiction is based on diversity of citizenship.
2. Plaintiff, Michael Gindi is a citizen and domiciliary of New Jersey.
3. Upon information and belief, defendant Mallow Konstam & Hager, P.C., is a professional corporation organized and existing under the laws of the state of New York and has its principal place of business at 321 Broadway in New York City.
4. The matter in controversy, exclusive of business and costs, exceeds \$75,000.
5. Venue is proper in this District pursuant to 28 U.S.C. Section 1391(a).
6. Plaintiff is engaged in buying and selling real estate.
7. Plaintiff has used defendant as his attorney in connection with more than one dozen real estate transactions.
8. Recently, plaintiff has decided to terminate the services of defendant as his attorneys, and he has demanded that defendant return and/or permit him to copy, his files, which are in defendant's possession.

9. Defendant, without just cause, has refused to return plaintiff's files to him or allow him to copy them, despite plaintiff's demand.

10. As a result of defendant's wrongful actions, plaintiff has been unable to conduct his real estate business and has lost opportunities to sell properties at a profit.

11. Defendant's conduct constitutes a breach of fiduciary duty.

12. Plaintiff will continue to suffer damages unless and until defendant is ordered to turn over to him, or to allow him to copy, his files. Plaintiff has no adequate remedy at law.

13. By reason of the foregoing, plaintiff has been damaged in an amount not as yet ascertained, but at least in the sum of \$1 million.


WHEREFORE, plaintiff demands judgment as follows:

(a) an order requiring defendant to allow him to inspect and copy plaintiff's files which are in defendant's possession; and

(b) damages in an amount to be ascertained by the Court but at least in the sum of \$1 million.

Dated: New York, New York  
January 2, 2008

HELLER, HOROWITZ & FEIT, P.C.

By:   
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